

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

In Re: TIMOTHY J. RIGBY) Case No.: 20-81118-CRJ-13
xxx-xx-9959)
DONNA L. RIGBY)
xxx-xx-4497)
Debtor(s),)

**APPLICATION BY DEBTOR(S)
TO EMPLOY SPECIAL COUNSEL**

COME NOW the undersigned Debtor(s), TIMOTHY J. RIGBY & DONNA L. RIGBY, in compliance with 11 U.S.C. Section 327 and Bankruptcy Rules 2014 and 5002, and respectfully represent:

1. The Debtor(s) and Estate have as an asset a cause of action under the law that can best be liquidated and have enforced through the employment of a special counsel to represent the estate and Debtor(s) in settlement or in a civil class action complaint concerning an alleged violation of the Fair Debt Collection Practices Act by Amsher. The role of the special counsel will be limited to liquidation or enforcement of the claim or cause of action and will not entail any other services for the estate.

2. The Debtor(s) desire to employ David J. Philipps, attorney at law practicing in Palos Hills, IL ("Counsel") to represent the interests of the Debtor(s) and of this bankruptcy estate in the Debtor(s) claim for damages. Counsel is a "disinterested person" as that term is defined in Section 101 of the Bankruptcy Code and is qualified to act as special counsel in this case.

3. Counsel's fee for this litigation matter is contingent upon recovery. If Counsel is successful, attorney fees, expenses, and costs will be recovered from the Defendant, or any other responsible party, under the fee-shifting provisions of the Fair Debt Collection Practices Act. No fee will be charged if there is no recovery. Counsel acknowledges that the estate of the Debtor(s) shall not be responsible for payment of any attorney's fees or for reimbursement of any of Counsel's out-of-pocket expenses. Counsel further understands and agrees that the fee for his services must be approved by this Court, both as to amount and as to reasonableness.

4. No agreement exists between the Counsel and any other person or entity whatsoever, except the members of Counsel's firm.

WHEREFORE, The Debtor(s), as applicant, pray that they be authorized to employ David J. Philipps as special counsel to the Debtor(s) in this case with an effective date of May 13th, 2021, and that they have such other and further relief as is just.

Respectfully submitted this 13th day of May, 2021.

/s/ B. Grant McNutt
Attorney for Debtor(s)

VERIFIED STATEMENT BY ATTORNEY

Pursuant to Bankruptcy Rule 2014(a), the undersigned hereby states to the Court that he has no connection, financial or otherwise, with the Debtor(s), the Debtor(s) creditors, or any other party in interest and that he knows of no conflict or potential conflict of interest with his proposed appointment as special counsel for the Debtor(s). I acknowledge that my fee is contingent upon recovery, and my fee, if any, and any out-of-pocket expenses, shall be taken solely from any recovery against the defendants in the special litigation. I further acknowledge that the Debtor(s) shall not be responsible for payment of any attorney's fees or for reimbursement of any of special counsel's out-of-pocket expenses in the matter that counsel is handling on behalf of the estate. I further understand that my actual fee must be approved by the Bankruptcy Court on motion and after hearing.

/s/David J. Philipps Esq.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the persons or entities set forth below:

Defendant
AmSher
4524 Southlake Parkway, Suite 15
Birmingham, AL 35244

Plaintiff/Debtor(s)
Timothy & Donna Rigby
306 Madison Street NW
Russellville, AL 35653

Plaintiff's Attorney:
David J. Philipps
9760 S. Roberts Rd. Suite 1,
Palos Hills, Illinois 60465

Richard Blythe, Esq.
Bankruptcy Administrator
U.S. Courthouse and Post Office
400 Wells Street
Decatur, AL 35602

Michele T. Hatcher
Chapter 13 Trustee
P.O. Box 2388
Decatur, AL 35602

and all persons and entities listed on the clerk's mailing matrix by depositing same in the United States mail, postage prepaid, this 13th day of May, 2021.

/s/ B. Grant McNutt